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**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GARY ADDIVINOLA
Plaintiff,

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CIVIL ACTION NO. 03-CV-12476 **REK** *JED*

vs.

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THE HOME DEPOT USA, INC.
Defendant.

JOINT STATEMENT OF THE PARTIES

The parties to this action, plaintiff Gary Addivinola ("Plaintiff") and defendant Home Depot U.S.A., Inc., ("Home Depot"), submit this Status Conference Joint Statement. All of the proposals with respect to pretrial matters contained in this Statement are made jointly by Plaintiff and Defendant.

1. Status of Case:

Plaintiff has answered interrogatories and responded to Defendant's request for production of documents. Plaintiff has submitted interrogatories and request for production of documents, and marked up depositions of the defendant. The defendant has informally responded to the interrogatories and will formalize the answers shortly. In an effort to streamline and simplify the discovery process and to effect an expedited resolution of the case the parties are attempting to reach a negotiated settlement at this time. They have agreed to postpone the completion of

discovery briefly pending the settlement efforts. They have agreed to enter into mediation if they are unable to otherwise reach a negotiated resolution

The parties each wish to reserve their right to complete discovery if these settlement efforts are not successful.

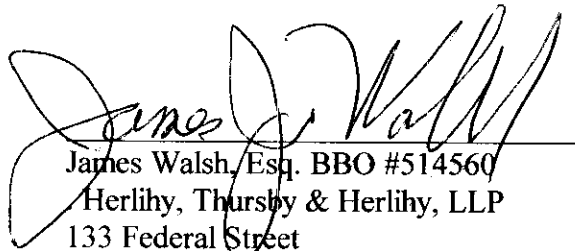
2. Scheduling:

The parties have further discussed the scheduling of the case and agree with the timetable set down by the scheduling order of the Court of March 8, 2004.

3. ADR:

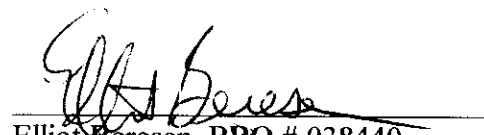
The parties have agreed to mediate the case if they cannot otherwise negotiate a resolution.

HOME DEPOT USA, INC.
By its Attorneys,



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By his Attorney,



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